

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES PRATER,

Petitioner,

V.

**STATE OF NEBRASKA, Robert P.
Houston, NDCS,**

Respondent.

CASE NO. 4:10CV3068

MEMORANDUM AND ORDER

This matter is before the court on its own motion. The above-captioned matter has been provisionally filed on April 20, 2010. (Filing No. 1.) However, due to certain technical defects, the Petition cannot be further processed until such defects are corrected. To assure further consideration of the Petition, Petitioner must correct the defect listed below.

FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.

Petitioner has failed to include the \$5.00 filing fee. Petitioner has the choice of either tendering the \$5.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to correct the above-listed technical defect in the Petition on or before **May 24, 2010**;
2. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice;
3. The Clerk of the court send to Petitioner the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit; and

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: May 24, 2010: deadline to pay filing fee or submit IFP application.

DATED this 23rd day of April, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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